

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A.#11-CV-10644-DPW

\*\*\*\*\*

CHRISTOPHER M. FLETCHER, EOIN M. PRYAL,  
SECOND AMENDMENT FOUNDATION, INC., and  
COMMONWEALTH SECOND AMENDMENT, INC.,  
Plaintiffs

v.

ROBERT C. HAAS, in his official capacity as  
Cambridge Commissioner of Police,  
MARK K. LEAHY, in his official capacity as  
Northboro Chief of Police, and  
JASON A. GUIDA, in his official capacity as  
Director of the Massachusetts Firearms Records Bureau,  
Defendants

\*\*\*\*\*

**DEFENDANT ROBERT C. HAAS'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Defendant Robert C. Haas, in his official capacity as Cambridge Commissioner of Police,  
hereby opposes Plaintiffs' Motion for Summary Judgment.

As grounds, Commissioner Haas relies on the Memorandum in Support of Defendant  
Jason A. Guida's Motion to Dismiss All Claims filed by the Attorney General on May 19, 2011  
and on Reply Memorandum in Support of Defendant Jason Guida's Motion to Dismiss All  
Claims and In Opposition to Plaintiffs' Cross-Motion for Summary Judgment filed by the  
Attorney General on July 20, 2011. As argued in those Memoranda, Plaintiffs' constitutional  
challenges to provisions of the Massachusetts firearm licensing statutes fail as a matter of law.  
Plaintiffs' allegations against Commissioner Haas are only that the Cambridge Police  
Department complied with existing state law in responding to Plaintiff Fletcher's application for  
a License to Carry. If the challenged statutes are deemed to meet constitutional muster, then

Plaintiffs' Motion for Summary Judgment as against Commissioner Haas should be denied, and judgment should enter for the Commissioner.

Defendant Haas has had no opportunity at this early stage of pleading to investigate the various facts asserted in Plaintiffs' Local Rule 56.1 Statement of Material Facts in support of their Motion for Summary Judgment, and therefore cannot admit or deny them. However, for the purpose of allowing this Court to decide the constitutional issues presented by the Complaint at this time, Defendant Haas does not now assert that there are genuine issues of fact to be tried and therefore does not now dispute the facts raised in Plaintiffs' Local Rule 56.1 Statement of Material Facts. Defendant Haas reserves the right to investigate and/or challenge any of those factual assertions if they are repeated for some other purpose at a later date.

Defendant Robert C. Haas,  
In his official capacity,  
By his attorney,

s/Arthur J. Goldberg  
Arthur J. Goldberg, Esq. (B.B.O.#543909)  
Law Department, City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139  
(617) 349-4121  
[agoldberg@cambridgema.gov](mailto:agoldberg@cambridgema.gov)

July 21, 2011

#### **Certificate of Service**

I hereby certify that a true copy of this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be mailed to those indicated on the NEF as non-registered participants on or before July 21, 2011.

s/Arthur J. Goldberg